

January 10, 2012 Agenda Amended. Gen Fund SA for Employee Pension Contrib adopted; Planning Fund SA from Sustainable Comm. Grant adopted; Gen Fund SA from Sustainable Comm. Grant adopted; Gaming Fund SA from Sustainable Comm. Grant adopted; PH SA Accred. Bureau for NACCHO Grant adopted. First Rdgs PH SA Com. Needs Health Assess & Comm. Health Improve Grant; Public School Inspect by Dept. of Health; Inspec. of Org. Camps & Campgrounds by Dept. of Health. PH SA Change in Position for Refugee Health Grant adopted. Apprvl of Lease Agrmt for MDJ Carney with Moxie Fore RE adopted. Annual Budget of Erie Area COG adopted. Exon. Taxes adopted. Anthony Logue apptd to C&Y Advisory Brd; John Laird appt'd to Redev. Auth; EdKissell appt'd to Planning Commission; Jay Breneman appt'd to C&Y Adv. Brd; Jan Cornwell appt'd to Planning Commission. 2012 ECCCA budget apprvd. Apprvl of sale of parcel from Repos.for Unsold Props.

ERIE COUNTY COUNCIL – Regular Meeting

Mr. Fatica, Chairman, called to order a Regular Meeting of the Erie County Council at 7:00 p.m. in the Erie County Council Chambers, Erie County Courthouse, Erie, Pennsylvania. Following the Pledge of Allegiance, a moment of silence was observed.

Moment of
Silence

Dr. Foust asked for a moment of silence in honor of Bryan Bell, a 23 year old Harborcreek Township Airman in the United States Air Force who died in Afghanistan when his vehicle was struck by a bomb, an improvised explosive device. He, along with Sgt. Matthew S. Schwartz of Traverse City, Michigan, and Airman First Class Matthew R. Seidler of Westminster, Maryland were all killed. Sr. Airman Bell joined the Air Force in 2006. He had been serving in Afghanistan since November and was assigned to the 2nd Civil Engineer Squadron which is based at Barksdale Air Force Base in Louisiana. Sr. Airman Bell was an explosive-ordnance disposal technician and his primary mission was to clear routes for U.S. convoys. As his father has stated in the paper, this is something his son liked to do; it was his job and he was proud of it.

Bryan Bell is the third person from the Harborcreek Community to die since the war on terror began along with Sgt. Donald Oaks who was killed in Iraq not long after the war started in 2003. Last February U.S. Army Specialist Jarrod Lee King was killed in Afghanistan as well.

Sr. Airman Bell is survived by his wife, his sister and his parents. Dr. Foust noted that Ernest Hemingway wrote “no man is an island, every man’s death diminishes me.” These particular types of passings are quite tragic, especially considering that this is a young man who was just beginning his life. However, there is something quite heroic about it, in that it sustains what this country is all about; that people are willing to serve their country in far off places so that we may enjoy the freedom that we have here today.

In honor of all those who serve, all those who have died, and in particular the three men in this vehicle, Dr. Foust asked that a moment of silence be observed.

Mrs. Loll recited a prayer.

Roll Call

The County Clerk called the roll:

Members Present: Mr. Fatica, Chairman
Mr. Giles, Vice Chairman
Mr. Beeman
Mr. Cleaver
Dr. Foust
Mr. Leone
Mrs. Loll

Members Absent: None

Also Present: Douglas R. Smith, County Clerk
Joseph P. Maloney, Council CPA
James Sparber, Director of Finance
Sue Ellen Pasquale, Manager of Accounting

Hearing of The Public

Mary Schaaf, County Controller, stated that in order to become more familiar with issues facing Erie County taxpayers she had attended the special meetings on December 15, 2011 of the Erie County Retirement Board and the Pleasant Ridge Retirement Committee. During the Retirement Board meetings, no discussion was held regarding pending changes to the Pleasant Ridge Retirement Plan. She noted the proposed changes to the plan were discussed and implemented at the Board of Trustee's meeting. As a new member of the Pleasant Ridge Manor Pension Committee, Ms. Schaaf believes that all pension related issues should be discussed by the County Retirement Board acting at the Pleasant Ridge Retirement Committee Board meetings. Any material changes to the plan should have emanated from the Pension Committee and then presented to the Board of Trustees to take action. Ms. Schaaf was also surprised that during the Trustee meeting, changes were made to initiate a 401K plan prior to receiving the requested ruling from the Department of Labor regarding Pleasant Ridge Manor's planned status whether it is a government plan or an ERISA plan. She would also like to know the estimated cost to Erie County taxpayers for the action filed in court by AFSCME to halt this change. She expressed concern for the taxpayers. It was also decided during the Trustee's meeting to hire Morrison Fiduciary Associates to implement the 401K plan with the fee to be determined by Morrison. Ms. Schaaf stated she looked forward to working with Council.

Mr. Leone wished to address Ms. Schaaf's comments. He explained that there is a difference between the Pleasant Ridge Manor Retirement Committee and the Erie County Retirement Board. The reason is because Pleasant Ridge Manor is a private not for profit corporation. It is actually not a part of county government. It is his understanding that it would be quite a while before a decision as to whether the plan is governmental or an ERISA plan would be made.

There is no doubt in Mr. Leone's mind that when that decision comes through, it will be a governmental plan. As far as hiring Morrison, no fees have been set; this agency has been acting as consultants for the Retirement Board for many years. With regard to the estimated costs to taxpayers for the lawsuit, Mr. Leone explained that everyone gets sued; it's part of government and it happens in many issues. In this case, an injunction has been filed and it must be defended and the person who will defend it is already being paid by Pleasant Ridge Manor as its solicitor. It would be difficult to determine the cost. Mr. Leone noted that if Ms. Schaaf has any additional questions, he is certain that she can easily address Council at any other time. She does not need to attend a public meeting to do that. Council will be more than happy to answer any questions.

Dale Reynolds, 2836 Hastings Road, was involved in an accident in 2008 and violated a PFA. He spent six months in jail. While he was in jail the first time, he was beaten by a guard. The second time he was in jail, he was maced by the same guard over a food issue. The situation at 18th and Ash Streets needs to be straightened out. The warden and sheriff are aware of this situation. He has talked to state legislators and he was told that he has a good case against the Erie County Court system. He asked for Council's help.

Jack Campbell, Millcreek Township, is employed at Pleasant Ridge Manor. He has done his best to keep informed regarding the moves Council has made for the future of Pleasant Ridge Manor and is very frustrated with the lack of consistency, reliable decisions and information that has come from Council so far. He believes this frustration is shared by the residents, their families, and his fellow employees. He firmly requests that Council start to be sensitive to the emotional toll being inflicted. If Council votes yes to selling all 388 beds, it will cause a ripple effect through Fairview, Girard and Southwest Erie along with businesses and services in Erie County that deal directly with Pleasant Ridge Manor. He provided statistics regarding the number of people who will be affected by Council's decision. Council's decision will also affect people in the community pursuing long term care in the future who may be difficult to

place and will hear the term, “no available beds.” Not at Pleasant Ridge Manor, Council is aware of the willingness to give the best of care to all people in need when other facilities deny them. He referred to members of Council who had family members as residents at Pleasant Ridge Manor. He asked Council to make decisions with the proper dignity and respect that the people at Pleasant Ridge Manor deserve.

Sandy Krauter, Edinboro, is an employee of Pleasant Ridge Manor. She recalled during the public forums held several months ago it was mentioned that many nursing homes used the term “no beds available”. She knows from personal experience that this is true. She has a family member with cancer that had to be placed in a nursing home. Although the family wanted placement at Pleasant Ridge Manor, the hospital explained there was no way to know how long that facility would be open and advised against it. The family member was sent to another nursing home. Due to the illness, the family member became combative. That nursing home discharged the individual. Ms. Krauter stated that Pleasant Ridge Manor accepted this patient. She feels Council is underestimating what this facility provides for this community. She believes it is a disservice to even consider closing. Most people cannot afford care and they will be turned away. She knows from personal experience. She asked Council to please ponder these issues before considering closing Pleasant Ridge Manor.

Finance
Committee

Mr. Giles reported the Finance Committee met on January 5, 2012 and agreed to place on the agenda Ordinances 1 through 8 and also agreed to consider making second readings of Ordinances 1 through 6. These include a pension issue for an employee in the Public Defender’s Office; there are three ordinances about the Sustainable Communities Grant through HUD. This is the first year of a three year cycle of funding and he feels optimistic this will go forward through the entire cycle. Several ordinances are related to the Public Health Department involving grants or additional funding for public health opportunities, and two ordinances regarding current public health standards for state regulations for public schools and organized camps. There is a resolution regarding the lease for MDJ Carney and several resolutions exonerating taxes on abandoned trailers along with various appointments to boards and authorities.

Personnel
Committee

Mrs. Loll reported the Personnel Committee met following the Finance Committee. Ordinance Number 9 regarding the position for the Refugee Health Grant was placed on the agenda.

Mr. Giles’
Report

Mr. Giles reported that the National Association of Counties held its final board meeting in early December. Erie County has been an active participant in the prescription drug card discount program. Other vendors are now in the market and NACo has reconfigured the contract with Caremark so not only does NACo receive some remuneration as well as the County Commissioners, the door is now being opened for counties to receive a pro-rated fund at one dollar per usage per card within that county. This was hotly debated between the board and it was decided that this would be a local option. There will be discussion as to whether Erie County will do this. If this is done, Mr. Giles would advance a stipulation that these funds would be designated for a marked use such as public health or library or anything else. More information regarding savings can be found on the Caremark website.

NACo will be holding its annual meeting in Pennsylvania. The last time this was done was in 2001 in Philadelphia. Approximately 6,000 employees or elected officials will be attending this meeting which will be held in Pittsburgh. Mr. Giles noted that NACo lifted the terrible towel idea for the Pittsburgh meeting. Mr. Giles, who was elected by the Pennsylvania County Commissioners to serve as the board representative for 16 years, reported that the executive director of NACo will be retiring after 21 years. The Executive Committee will be looking at the job description and salary. Conference calls are held by the committee every other Monday and discussions are held on how to move forward with this position. This is a significant salary for a significant organization. A professional firm will be hired to conduct this search. He noted this is an exciting opportunity to be part of the decision making process.

Mr. Giles further reported that the Norwest County Commissioners Association met today in Forest County in Tionesta. The region consists of 16 counties and meets quarterly. At this meeting, Doug Hill, the Executive Director for the County Commissioners of Pennsylvania,

went into some detail regarding the \$500 million cuts being planned by the State Department of Welfare. This will certainly affect Erie County in a variety of human services. Secretary Alexander indicated there was discussion about consolidating everything between the counties who would then be responsible for the operation of the Department of Public Welfare in each respective county. Funding would be guaranteed by the state. Mr. Giles expressed some doubt regarding the funding.

CCAP has done an analysis about block funding in regard to human services. Mr. Giles explained that block grants mean counties are left to their own devices as to how to distribute the funding. This information can be found online at the CCAP website. Mr. Giles encouraged everyone to go to pacounties.org to review this information.

Agenda Amended Mr. Giles moved to amend the agenda to include Ordinances 1, 2, 3, 4, 5, 6 and 9 for second readings. Dr. Foust seconded, and it carried in a unanimous roll call vote.

Employee Pension Contribution Mr. Smith gave a second reading of Ordinance Number 1, 2012, "First 2012 General Fund Budget Supplemental Appropriation Of \$1,145 For Employee Pension Contribution." Mr. Leone moved to adopt; Dr. Foust seconded, and it carried in a unanimous roll call vote.

Planning SA for Sus. Comm. Grant Mr. Smith gave a second reading of Ordinance Number 2, 2011, "First 2012 Planning Fund Budget Supplemental Appropriation Of \$629,266 And Creation Of New Line Items From Sustainable Grant Communities." Mr. Giles moved to adopt; Mr. Leone seconded, and it carried in a roll call vote of 6-1, Mr. Beeman voting no.

Gen. Fund SA for Sus. Comm. Grant Mr. Smith gave a second reading of Ordinance Number 3, 2012, "Second 2012 General Fund Budget Supplemental Appropriation Of \$12,760 From Sustainable Communities Grant." Mr. Giles moved to adopt; Mr. Leone seconded, and it carried in a roll call vote of 6-1, Mr. Beeman voting no.

Gaming Fund SA For Sus. Comm. Grant Mr. Smith gave a second reading of Ordinance Number 4, 2012, "First 2012 Gaming Fund Budget Supplemental Appropriation Of \$7,139 And Creation Of New Line Item From Sustainable Communities Grant." Mr. Giles moved to adopt; Mr. Leone seconded, and it carried in a roll call vote of 6-1, Mr. Beeman voting no.

NACCHO Grant Mr. Smith gave a second reading of Ordinance Number 5, 2012, "First 2012 Public Health Fund Budget Supplemental Appropriation Of \$30,000, Creation Of New Line Items And A New Accreditation Bureau For The NACCHO Grant." Mr. Leone moved to adopt; Mr. Giles seconded.

Mr. Giles explained that the Director of Public Health is involved with this particular organization which is a subsidiary of other organizations under NACCHO. Approximately 75 affiliate organizations meet in early March and these include various county officials including planners, treasurers, etc. This has become a resource for the county's health department. Signing up to serve on the Steering Committee places an individual as part of the electronic media including daily emails regarding various topics. This is open to all elected officials under the county umbrella. Mr. Giles is delighted that the Health Director has taken the time to be involved with this organization.

Mr. Fatica called for a vote on the ordinance, and it carried in a roll call vote of 6-1, Mr. Beeman voting no.

Comm. Needs Health
Assess & Comm.
Health Impr. Plan

Mr. Smith gave a second reading of Ordinance Number 6, 2012, "Second 2012 Public Health Fund Budget Supplemental Appropriation Of \$30,000 In Donations And Creation Of New Line Item For Community Needs Health Assessment And Community Health Improvement Plan." Mr. Leone moved to adopt; Dr. Foust seconded, and it carried in a roll call vote of 6-1, Mr. Beeman voting no.

First Rdgs.

Mr. Smith gave first readings of the following ordinances:

Ordinance Number 7, 2012, "Public School Inspection By The Erie County Department Of Health"

Ordinance Number 8, 2012, "Inspection Of Organized Camps and Campgrounds By The Erie County Department Of Health"

Change in Pos.
Refugee Health Grant

Mr. Smith gave a second reading of Ordinance Number 9, 2012, "Third 2012 Public Health Fund Budget Supplemental Appropriation of \$3,169 And A Change In Position For Refugee Health Grant." Mr. Cleaver moved to adopt; Mrs. Loll seconded, and it carried in a roll call vote of 6-1, Mr. Beeman voting no.

Lease Agrmt for
MDJ Carney

Mr. Smith gave a reading of Resolution Number 1, 2012, "Approval of Tentative Lease Agreement for the Lease by the County of Erie as Lessee of Office Space for Magisterial District Judge Thomas Carney with Moxie Fore Real Estate LLC Located At 809 West 12th Street, Erie, Pennsylvania." Mr. Cleaver moved to adopt; Dr. Foust seconded.

Mr. Leone stated that he voted for the previous MDJ leases and will vote for this, but he believes that the courts should have looked into this matter. Presently, there are six district judges in the City of Erie who all have an office in their district. It only takes about 15 minutes to go from the east side of the city to the west side, and from the north to the south. Mr. Leone has previously suggested, and will suggest again that these offices should be consolidated. The costs for the district judge offices average approximately \$3,000 per month, six cost \$18,000 per month. Mr. Leone pointed out that over a six year period the cost is almost \$1.3 million. He does not understand the argument that it is too far to go from one part of the city to the other to have a case heard or a judgment filed. It would certainly be more feasible to have all the district judges in one office. The county taxpayers pay for these offices; the state does not pay anything. At some point in time the courts need to understand this. They do not have a unified court system which part of the problem.

Mr. Fatica suggested that this issue may be something the County Controller would like to review. Some of the district judges have offices in municipal buildings.

Mr. Giles stated that at times there are huge crowds of people for central court. Nothing compares to the security that the Courthouse has in terms of deputies and screening system. There is potential for volatility in some of these matters. Apart from providing convenience for the Public Defender's Office and the District Attorney's Office, central court provides this additional sense of security despite the occasional inconvenience.

Mr. Leone understands Mr. Giles’ remarks, and is fine with the district judges using central court. However, he is suggesting their offices should be under one roof. Mr. Giles replied that he is not debating that issue, but wanted to point out the security issue.

Mr. Fatica called for the vote on Resolution Number 1, 2012 and it carried in a roll call vote of 6-1, Mr. Beeman voting no.

Apprvg COG
Budget

Mr. Smith gave a reading of Resolution Number 2, 2012, “A Resolution To Approve The Annual Budget Of The Erie Area Council Of Governments For The Calendar Year Ending December 31, 2012.” Mr. Giles moved to adopt; Mrs. Loll seconded.

Mr. Giles stated that over the years Council has discussed the expansion of the COG to include new members. It appears at this point there will be three boroughs or townships that will be joining the COG. He believes this is happening largely because of the computer and IT issues that the COG is becoming involved with along with the grant received by the Black Foundation as well as Erie Community Foundation money.

Mr. Fatica agreed with Mr. Giles. The COG has done good work. For example, they are able to buy salt for the roads at a reduced price which is beneficial. He called for a vote on the resolution and it carried in a roll call vote of 6-1, Mr. Beeman voting no.

Exon. Taxes on
Abandoned
Trailers/Props

Mr. Giles moved to approve Resolutions 3 through 8 in one motion. These involve abandoned trailers and properties throughout Erie County. Dr. Foust seconded, and it carried in a unanimous roll call vote.

Mr. Giles moved to adopt the following resolutions:

Resolution Number 3, 2012, “Exonerating Taxes On One Abandoned Trailer/Property In The Fort LeBoeuf School District And Waterford Township”

Resolution Number 4, 2012, “Exonerating Taxes On Two Abandoned Trailers/Properties In The Corry Area School District And Concord Township”

Resolution Number 5, 2012, “Exonerating Taxes On Two Abandoned Trailers/Properties In The General McLane School District And McKean Township”

Resolution Number 6, 2012, “Exonerating Taxes On Two Abandoned Trailers/Properties In The Harbor Creek School District And Harborcreek Township”

Resolution Number 7, 2012, Exonerating Taxes On Four Abandoned Trailers/Properties In The Girard School District, Lake City Borough, And Girard Township”

Dr. Foust seconded, and it carried in a roll call vote of 6-1, Mr. Cleaver voting no.

Appts. To
Brds & Auth.
Approved

Dr. Foust moved to approve the following appointments:

- Appointment of Anthony Logue to the Children and Youth Advisory Board
- Appointment of John Laird to the Erie County Redevelopment Authority
- Appointment of Ed Kissell to the Erie County Planning Commission
- Appointment of Jay Breneman to the Children and Youth Advisory Board

Reappointment of Jan Cornwell to the Erie County Planning Commission

Mr. Leone seconded, and it carried in a unanimous roll call vote.

Sheraton Erie
Bayfront Hotel
Budget Apprvd

Mr. Giles moved to approve the budget of the Erie County Convention Center Authority Sheraton Erie Bayfront Hotel budget. Mr. Leone seconded, and it carried in a unanimous roll call vote.

Sale of Parcel
From Repos. Apprvd

Dr. Foust moved to approve the Sale of Parcel from Repository for Unsold Properties at Index Number: 18-051-040.0-210.00. Mr. Leone seconded, and it carried in a unanimous roll call vote.

Adjournment

There being no further business, the meeting adjourned at 8:01 p.m.

Ann M. Bruno, Council Secretary
